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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,279	11/25/2003	Kazuhiro Seki	F-7931	8612
28107	7590	01/27/2005	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			D ADAMO, STEPHEN D	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/723,279

Applicant(s)

SEKI, KAZUHIRO

Examiner

Stephen D'Adamo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/25/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

Page 1 of the Specification includes the same reference "822" for both a pair of inner rails and a swivel upper, as disclosed on lines 17-18.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

The claims recite numerous limitations that have insufficient antecedent basis for the limitation in the claims. Several examples from claim 1 are listed below. Clarification is needed in all of the claims.

Examples from claim 1:

- "the tip side" lacks antecedent basis in line 3
- "the proximal end side" lacks antecedent basis in line 8
- "the movement" lacks antecedent basis in line 9

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Note, it is suggested to use distinguishing words such as “first” and “second” with limitations that appear to use the same terminology but for different elements. For example, if more than one “tip side” is claimed, then it is suggested to use the terminology “first tip side” and “second tip side” to distinguish between the different limitations.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Lyons (6,050,366).

The admitted prior art of record includes Figure 7 of the current application. The admission includes a seat 801 comprising a base, a first slider 823, a second slider 824, a drive mechanism 802 and a pullback mechanism formed from drive chains 832, 841 and sprocket 842. However, the lacks or does not expressly disclose a sending out mechanism for moving the second slider outward according to the movement of the first slider. Yet, Lyons discloses a “combined stairway and lift installation and a retractable stairway” comprising a sending out mechanism. Lyons’s system includes a similar drive mechanism as disclosed in the admitted prior art. The drive mechanism includes the chains and sprockets, all linked together for one complete movement of the separate step members. Further, Lyons teaches “the motor is reversible so that in one sense it drives

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the movable step members to form the stairway and in the other sense it drives them to their retracted position” (Abstract). Furthermore, Lyons generally teaches that the chain 63 is connected on the base at fixing points 64 and 65. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the admitted prior art of record with another similar chain and sprockets or rollers system, as already applied for the pullback mechanism and taught by Lyons, for driving the sliders outward.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Lyons (6,050,366) and in further view of Wagener (5,711,578).

The admitted prior art of record includes Figure 7 of the current application. The admission includes a seat 801 comprising a base, a first slider 823, a second slider 824, a drive mechanism 802 and a pullback mechanism formed from drive chains 832, 841 and sprocket 842. Lyons further teaches of a sending out mechanism for driving the sliders to an outward position. Yet, neither the admitted prior art nor Lyons discloses a leg rest assembly within the seat. However, Wagener discloses a “vehicle footrest” located in the base 12 under the seat 10, comprising a support bar 38 capable of freely being pulled out tubular sheath 46. Wagener also teaches of a locking mechanism 52, which blocks the movement of the support bar in the pullout direction when the support bar is in the storage state. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle seat of the admitted prior art and Lyons, by including a footrest, as taught by Wagener, for providing support for the users feet.

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Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Lyons (6,050,366), Wagener (5,711,578) and in further view of Barclay et al. (5,711,580).

The admitted prior art of record includes Figure 7 of the current application. The admission includes a seat 801 comprising a base, a first slider 823, a second slider 824, a drive mechanism 802 and a pullback mechanism formed from drive chains 832, 841 and sprocket 842. Lyons further teaches of a sending out mechanism for driving the sliders to an outward position. Yet, neither the admitted prior art nor Lyons discloses a leg rest assembly within the seat. However, Wagener discloses a vehicle footrest with a locking mechanism. Yet, Wagener fails to expressly disclose a locking claw and release lever, as recited in the claims. However, Barclay discloses an "extendable and elevated footrest." Barclay's footrest is similar in construction as that disclosed by Wagener. Specifically, Barclay's footrest includes a support bar 100 with an engagement groove 102 and a locking mechanism 104. Figure 6 teaches of the locking mechanism comprising a locking claw that is urged toward an upper face of the support bar. The locking claw also engages the engagement groove and includes a release lever. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the footrest of Wagener, in the vehicle seat of the admitted prior art and Lyons, with an engagement groove on the support bar and also including a locking claw that engages the engagement groove and a release lever for providing the "arm to slide freely in a first direction but not in a second direction until the lock is actuated" by the actuation of the release lever.

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***Allowable Subject Matter***

4. Claims 7-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sjostrom et al. (6,318,802), Dauphin (6,106,063), Gebhardt (5,769,480), Hirasawa et al. (5,630,638), Kuroda et al. (5,527,952), Wilson (5,161,765), Goldner (4,541,669), Wagner (3,841,696), Bell (5,481,970), Luketa (2,480,300), Furuya et al. (JP 2001-309833), Oba et al. (JP 05096981) and Rene (FR 2699129) all show various features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 703-305-8173. The examiner can normally be reached on Monday-Thursday 6:00-3:30, 2nd Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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January 21, 2005



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